

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:10-cv-00159-MR

SOCIEDAD ESPANOLA de)
ELECTROMEDICINA y)
CALIDAD, S.A.,)
Plaintiff,)
vs.)
BLUE RIDGE X-RAY COMPANY, INC.,)
DRGEM USA, INC. and)
DRGEM CORPORATION,)
Defendants.)

ORDER

THIS MATTER is before the Court *sua sponte*.

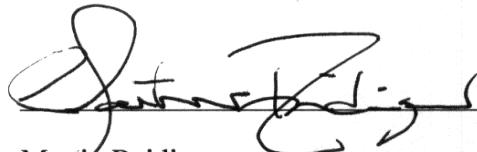
This matter came to be heard and tried before a jury on January 11, 2016. Upon conclusion of the first phase of the trial, the jury rendered a verdict in favor of the Plaintiff, finding that the Defendants had infringed one or more claims of the patent-in-suit. [Doc. 202]. Upon conclusion of the second phase of the trial, the jury rendered a verdict awarding the Plaintiff damages for the Defendants' infringement and finding that the infringement committed by DRGEM USA, Inc. and DRGEM Corporation was willful. [Doc. 206].

While the jury found that these Defendants' action were willful, that finding does not end the inquiry. The Court must also make an objective determination of the Defendants' recklessness. See Bard Peripheral Vascular, Inc. v. W.L. Gore & Assocs., Inc., 682 F.3d 1003, 1006-07 (Fed. Cir. 2012). To that end, the Court will direct the parties to submit further briefing on willfulness so that the Court may make a determination of the Defendants' recklessness as a matter of law and thereafter enter a judgment in this matter.

IT IS, THEREFORE, ORDERED that within twenty-one (21) days of the filing of the complete transcript of the trial proceedings, the parties shall file supplemental briefs addressing the objective prong of willfulness. Briefs shall be double spaced and in 14-point font and shall not exceed 25 pages.

IT IS SO ORDERED.

Signed: February 17, 2016



Martin Reidinger
United States District Judge

